

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

YELP INC.,

Plaintiff(s)

v.

KEN PAXTON, ATTORNEY GENERAL OF THE
STATE OF TEXAS, in his official capacity,*Defendant(s)*

Civil Action No. 3:23-cv-04977 -SK

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*KEN PAXTON,
TEXAS ATTORNEY GENERAL
300 W 15th Street
Austin, TX 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Thomas R. Burke
Davis Wright Tremaine LLP
50 California Street, 23rd Floor
San Francisco, CA 94111

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Mark B. Busby



Loren Herman
Signature of Clerk or Deputy Clerk

Date: 9/28/2023

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PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Texas Attorney General Ken Paxton
was received by me on *(date)* 9/28/2023 at 12:25 pm

☐ I personally served the summons on the individual at *(place)* _____

on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____

, a person of suitable age and discretion who resides there,

on *(date)* _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* Carrisa Stiles, who is

designated by law to accept service of process on behalf of *(name of organization)* Ken Paxton the

Attorney General for the State of Texas on *(date)* 9/28/2023 at 3:20 pm

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ 650.⁰⁰ for travel and \$ _____ for services, for a total of \$ 650.00.

I declare under penalty of perjury that this information is true.

Date: 9/29/2023

Donna LiAne Gardner
Server's signature

Donna LiAne Gardner - TX PSC 17222
Printed name and title
Private Process Server

PO Box 2111 Cedar Park, TX 78630
Server's address

Additional information regarding attempted service, etc:

Please see attached affidavit(s)

AFFIDAVIT OF SERVICE

Case: 3:23-cv-04977 - SK	Court: UNITED STATES DISTRICT COURT for the Northern District of California San Francisco Division	County: San Francisco, CA	Job: 9664798 (2023-0002)
Plaintiff / Petitioner: YELP INC.,		Defendant / Respondent: KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS, in his official capacity,	
Received by: A+TX Civil Process, Notary & Investigations		For: DAVIS WRIGHT TREMAINE LLP	
To be served upon: KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS, in his official capacity,			

I, Donna LiAne Gardner, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS, in his official capacity, , Price Daniel, SR. Bldg.: 209 W 14TH ST 8th Floor , AUSTIN, TX 78701-1614

Manner of Service: Personal/Individual, Sep 28, 2023, 3:20 pm CDT

Documents: Yelp v. Paxton Summons Issued (Sept 28, 2023)
Yelp v. Paxton Complaint
Yelp v. Paxton Exhibit 1 to Complaint
Yelp v. Paxton Exhibit 2 to Complaint
Yelp v. Paxton Exhibit 3 to Complaint
Yelp v. Paxton Civil Cover Sheet
Yelp v. Paxton Certificate of Interested Parties
Yelp v. Paxton Docket (Sept 28, 2023)
SK-Standing-Order-General
Standing_Order_All_Judges

Additional Comments:

1) Successful Attempt: Sep 28, 2023, 3:20 pm CDT at Price Daniel, SR. Bldg.: 209 W 14TH ST 8th Floor , AUSTIN, TX 78701-1614 received by Carrisa Stiles of the General Litigation Department for KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS, in his official capacity. The Attorney General was served by delivering the documents to Carrisa Stiles of the General Litigation Department for the Attorney General Ken Paxton .. she assures me that this was the proper protocol to effect service upon the Attorney General for the State of Texas - I was instructed by the client to also attempt the 300 W 15th street listed on the documents and asked Carrisa if she could help be facilitate dropping a set of the documents there .. she then assured me it would be a waste of time as there is absolutely no-one there who can/will accept documents like these. it all has to come here...

Fees: \$650.00

 9/29/2023

Donna LiAne Gardner
PSC-17222

Date

A+TX Civil Process, Notary & Investigations
PO Box 2111
Cedar Park, TX 78630
512-596-7123

AFFIDAVIT OF NON-SERVICE

Case: 3:23-cv-04977 - SK	Court: UNITED STATES DISTRICT COURT for the Northern District of California San Francisco Division	County: San Francisco, CA	Job: 9661692 (2023-0001)
Plaintiff / Petitioner: YELP INC.,		Defendant / Respondent: KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS, in his official capacity,	
Received by: A+TX Civil Process, Notary & Investigations		For: DAVIS WRIGHT TREMAINE LLP	
To be served upon: KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS, in his official capacity,			

I, Donna LiAne Gardner, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: KEN PAXTON, ATTORNEY GENERAL OF THE STATE OF TEXAS, in his official capacity, , Publicly Posted Address for TEXAS Attorney General Ken Paxton : 300 W. 15th Street, Austin , TX 78701

Manner of Service: Bad Address

Documents: Yelp v. Paxton Summons Issued (Sept 28, 2023)
Yelp v. Paxton Complaint
Yelp v. Paxton Exhibit 1 to Complaint
Yelp v. Paxton Exhibit 2 to Complaint
Yelp v. Paxton Exhibit 3 to Complaint
Yelp v. Paxton Civil Cover Sheet
Yelp v. Paxton Certificate of Interested Parties
Yelp v. Paxton Docket (Sept 28, 2023)SK-Standing-Order-General
Standing_Order_All_Judges

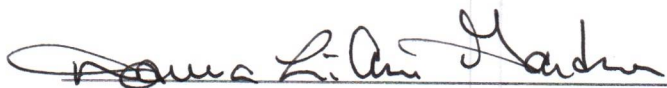
Additional Comments:

1) Unsuccessful Attempt: Sep 28, 2023, 1:22 pm CDT at Publicly Posted Address for TEXAS Attorney General Ken Paxton : 300 W. 15th Street, Austin , TX 78701

I Called the phone number for the Attorney General Ken Paxton's' "Deputy AG for Civil Litigation" 512-463-2100 to coordinate delivery & was informed the documents had to be delivered to 209 W. 14th Street Austin TX 78701 .. I will confer with client

2) Unsuccessful Attempt: Sep 28, 2023, 3:45 pm CDT at Publicly Posted Address for TEXAS Attorney General Ken Paxton : 300 W. 15th Street, Austin , TX 78701

I attempted this address as instructed by the client to make 100% sure I was given the correct protocol to effect service and was assured by the security/police at the security reception counter that the Attorney General isn't even at that building and that service had to be performed at the 209 W 14th address where there is a team of people who accept service on behalf of the Attorney General. There is no one here that can or will accept the documents.

 9/29/2023

Donna LiAne Gardner
PSC-17222

Date

A+TX Civil Process, Notary & Investigations
PO Box 2111
Cedar Park, TX 78630
512-596-7123